

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN H. PETT,

:

Plaintiff,

:

Case No. 3:15cv00129

vs.

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Sharon L. Ovington

CITY OF WEST CARROLLTON,
OHIO, et al.,

:

:

Defendants.

:

ORDER

This case is presently before the Court upon Defendants' Motion to Join All Subrogated Parties (Doc. #7), Plaintiff's Motion To Join All Subrogated Parties (Doc. #8), and the record as a whole. The parties agree that any subrogated parties, including the Ohio Department of Medicaid, who have paid Plaintiff's medical expenses should be joined as a party in this case under Fed. R. Civ. P. 17 and 19. Defendants state that they have received information indicating that CareSource paid Plaintiff's medical expenses related to the injuries he allegedly received during the incident at issue. Defendants explain that CareSource is contracted with the Ohio Department of Medicaid. Consequently, the Ohio Department of Medicaid is the real party in interest to recover any medical expenses made on Plaintiff's behalf. *See* Ohio Rev. Code §5160.37(A), (B), and (E). In addition, the parties

agree that any other subrogated health care provider can claim an interest for recovery of money they paid for Plaintiff's medical bills at issue in this case.

IT IS THEREFORE ORDERED THAT:

1. The parties' respective Motions (Doc. #7, 8) are GRANTED; and
2. **On or before October 16, 2015**, Plaintiff shall effect service of summons, the Complaint, and a copy of this Order upon the Ohio Department of Medicaid as set forth in Ohio R. Civ. P. 4.2(K). The forms for effecting service are available online at <http://www.ohsd.uscourts.gov> or in the Office of the Clerk of this Court.

September 14, 2015

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge